

**MINUTES OF THE VIDEO-CONFERENCE
OF THE
BOARD OF HEARING AID INSTRUMENT
DISPENSERS AND FITTERS**

October 25, 2005

CALL TO ORDER

Roll Call

Stephen Boney called the Video-Conference of the Board of Hearing Aid Instrument Dispensers and Fitters to order on Tuesday, October 25, 2005 at 2:00 p.m. The Video Conference was held at the following sites: Lincoln Executive Building, Suite 103, 521 South 14th Street, Lincoln, Nebraska, UN-Kearney, Communications Center Bldg., Room 250, 1918 University Drive, Kearney, NE. and Omaha State Office Building, Room 207 (2nd Floor) 1313 Farnam Street, Omaha, NE. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda ten (10) days prior to the meeting and posting the agenda at the entrance of the Health and Human Services Systems Regulation and Licensure at least twenty-four (24) hours prior to the meeting.

The following Board members and HHSS Staff were present at the meeting:

Steve Boney, Acting Chairperson
Evelyn McKnight, Professional Member
Edward Cohn M.D., Otolaryngologist
Kimberly Joyce, Professional Member

Diane Hansmeyer, Section Administrator
Delores James, Credentialing Coordinator

Absent: Sam White and Margaret Coleman

Adoption of the Agenda

McKnight moved, seconded by Cohn, to adopt the agenda as presented. Voting aye: Cohn, McKnight, Boney and Joyce. Voting nay: None. Not voting: None. Motion carried.

UNIFORM LICENSING LAW

ULL Rewrite (Attachment A)

Hansmeyer discussed the proposed changes to the Uniform Licensing Law rewrite, (Referred to as REQ 0138) and the summary of changes. She stated that the summary information does not contain all of the changes to the

propose bill. The summary is designed to give the Board major changes to review in order to give feedback before REQ 0138 is finalized.

The following changes will take place in the Uniform Licensing Law rewrite:

The name of this document will be changed to the Uniform Credentialing Act because certification and registration are covered in this act as well as licensure. The definitions for these three forms of credentials are found on pages 7, 9 and 10 of REQ 0138.

Page 3 lists all of the practice acts that are covered in the REQ 0138. What that means is that these are the acts within this act.

Hansmeyer reviewed the following changes, which are found on the summary sheets that provide information on why the changes are necessary and where they can be found in the REQ 0138:

Initial License - Gives the boards more authority, it changes the current wording; "Board approves or the board adopts the regulations." The board will approve requirements for licensure such as; the education the person has to have, what examination they have to pass, if they have to have experience and if so, what type of experience, the passing score they have to meet in order to pass the examination, and approval of schools/training. The current language states that the Department with the approval or the recommendation of the board. What is meant by current language is that the Department and the board would have to agree and if they do not, the change would not take place.

Section 55 page 61 gives a definition of the purpose of each board.

Section 68, page 77 gives information on the Department's role of being responsible for the general administration of the activities of each of the boards.

Section 45, page 46 identifies that the cost of operation of the board should be paid from the Professional and Occupational Credentialing Cash Fund and General Fund. The statement on General Fund is for Emergency Medical Services because they are volunteers and do not pay fees.

Section 45 page 46 - The reinstatement language is crosshatched. It was changed, but the boards like the current language. Therefore, the original language will remain in this section.

Renewal: Biennial renewal is not a change and it appears on the summary because all of the practice acts have been added to the UCA for consistency purpose.

The 2nd part is that licenses will no longer be revoked for non-payment of fees, they will expire. Licensees did not like the term revocation because it would

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appear on their records permanently and make it appear as if it was revoked for disciplinary reasons. Hansmeyer stated that research was done to find out

what other states were doing. Other states were not revoking licenses for this reason.

The 30-day grace period will be eliminated because it confuses licensees. It makes them think that they can continue to practice until the grace period is over. When the truth is that the only thing that the grace period allowed is for licensees to pay the licensure fees. Reinstatement does the same thing.

Eliminated the inactive fee, but not inactive status. Individuals can choose inactive status at the time of renewal and not have to pay a fee. The reason for this change is that the fee wasn't necessary because there is no extra work involved in this process and it is the belief that fees should be paid to support cost and if there is no cost, then no fee should be charged.

Reinstatement will not change, except for people who were disciplined. If their license was revoked for disciplinary reasons they could reapply for reinstatement after two years.

Endorsement and Reciprocity: Reciprocity in Nebraska does not mean true reciprocity. The word reciprocity means that if a person has a license in one state they can get a license in another state based upon that license. The term, which will appear in REQ is endorsement. It also eliminated the requirement to have practiced at least one year out of the last three.

Board's Role Hansmeyer reviewed information on the Board's Role, which gives the board the authority to adopt regulations without the Department's approval for initial licensure standards, renewal standards, passing score, course of study, defining unprofessional conduct and sending applications for reinstatement

She gave the Board new language to review for possible inclusion into the Hearing Aid Instrument Dispensers and Fitters Practice Act. She stated that this language would eliminate a loophole, which she feels is currently in their practice act (Attachment A). C (1) is when a person gets an initial license and C (2) is when a person is licensed in another state.

Hansmeyer gave an example of a person who met all of the requirements, but did not get a license in Nebraska. Several years pass before the person applies for a license and as the language is now written the State of Nebraska would have to give this person a license without knowing her competency level. The new language would give the Board the right to consider competency and if the Board feels that someone who hasn't practice for five years isn't competent, then this would allow them to write regulations, which would include competency requirements.

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C(2) is written for a person coming from another state/jurisdiction and also requires that continuing competency be met after a 2 years period of licensure inactivity.

Motion on C. (1) & C(2)

Boney moved, seconded by Cohn, to approve the following language: "Any applicant who has met the education and examination requirements in 71-3705 and is not practicing at the time of application for licensure shall present proof satisfactory to the Department that he/she has within the three years immediately preceding the application for licensure completed continuing competency requirements approved by the board pursuant to section 41 of this act. ; and C. (2) any applicant who has a license in another jurisdiction who has met the requirements for endorsement in section 37 of this Act and is not practicing at the time of application for licensure shall present proof satisfactory to the Department that he or she has within the three years immediately preceding the application for licensure completed continuing competency requirements approved by the board pursuant to section 41 of this Act. Voting aye: Boney, Joyce, Cohn and McKnight. Voting nay: None. Not voting : None. Motion carried.

Hansmeyer continued the review on the ULL rewrite changes on the board's role and stated that number 2 can be found in Section 31 on page 23 and this is where the board recommends to the Department on licensure and other administrative areas, the security of the examination, issuance and denial of licensure, and administration of the examination.

Board Expenses: the new requirements will provide a per diem to board members for up to \$50.00 per day and the Board can also give a per diem to people who serve on advisory committees.

Board Composition: The ULL rewrite requires an additional public member for boards with less than eleven members.

Proposed Changes to the Hearing Aid Instrument Dispensers and Fitters Practice Act

Hansmeyer reviewed the changes and the reason for each change. Some of the propose changes ware as follows:

Included hearing aid instrument dispensers and fitters under Uniform Credentialing Act.

Deleted 71-4701 (1) and (2) because this information is found in UCA

Deleted 71-4708 (4) because this information is in UCA descriptive section.

Deleted 71-4709.01 because examination section is redundant.

Repealed 71-4710 because this section contains information on activities that are not being done.

Repealed 71-4711 remove dates from statutes and place in regulations

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Repeal 71-4714

Amended 71-4715(2) Composition of Board because board will have one additional consumer member.

Repealed 71-4715(3) Appointment BOH in UCA, Terms in UCA, Annually organize in UCA, Appointment of officers

Repealed 71-4715 (4) Increased per diem

Repealed 71-4715(5) Removal from board by BOH

Repealed 71-4715.01 Conflict of interest in UCA

Repealed 71(6) -4716(1) Board duties found in UCA

Repealed 71-4717 Meeting of board found in UCA

Repealed 71-4719 Misdemeanor violation

Hansmeyer stated that the Department wants to ask each board how they feel about the changes and if they could support the proposed changes in ULL as well as in their practice act, if not, the Department would like to address concerns before this bill is taken to the legislature, which should be January of 2006.

McKnight stated that at a previous board meeting there was a discussion on what could be approved as continuing education hours. And she brought up distance learning such as on line courses. Hansmeyer said that they had the statutory authority to include these things in their regulations. This item will be put on the agenda for the next board meeting.

McKnight moved, seconded by Boney, to revise the statutory requirement to increase the terms of the board members to five years. Voting aye: Boney, Joyce, Cohn and McKnight. Voting nay: None. Not voting: None. Motion carried.

ADMINISTRATIVE PENALTIES

AND LICENSURE APPLICATION (Closed Session)

Boney moved, Seconded by Joyce, to go into closed session at 5:57 p.m. to discuss administrative penalties and licensure application and to protect the reputation of individuals. Voting aye: Joyce, Cohn, McKnight and Boney. Voting nay: None. Not voting: None. Motion carried.

Out of Closed Session

Boney moved, seconded by McKnight to come out of closed session at 3:10 p.m. Voting aye: Cohn, McKnight, Boney and Joyce. Voting nay: None. Not voting: None. Motion carried.

Boney moved, seconded by McKnight, to approve licensure for Krissa Reiser. Voting aye: McKnight, Boney, Joyce and Cohn. Voting nay: None. Not Voting: None. Motion carried.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Margaret Coleman, Secretary-Treasurer